

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THE 1ST DAY OF APRIL 1998

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

H. R. R. P. 361 OF 1998

Smt. K. Krishnaveni

w/o late Sri. Ponnuswamy, Major,

R/a No. 197, Upstairs,

New BEL Road,

Davasandra,

Bangalore 560 094.

...PETITIONER

(By Sri. R. B. Sadashivappa, Adv. for petr.)

- vs -

Sri. Rajesh Sharma

s/o Sri. O. P. Sharma, Major,

Sharma's Punjabi Restuarant,

No. 197, Ground Floor,

New BEL Road,

Devasandra,

Bangalore-560 094.

...RESPONDENT

(By Sri. M. T. Nanaiah & Associates, Adv. for Respt)

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H.R.R.P. is filed u/s 50(1) of the KRC Act against the order dated 5-2-1998 passed in HRC No. 1812/1996 on the file of the VII Addl. Judge, Court of Small Causes, Bangalore.

This H.R.R.P. coming on for ADMISSION this day, the court made the following:-

O R D E R

Admit.

With the consent of the learned counsels, the same is taken up for final hearing and disposed-off.

Tenant had filed an application under Sec.43 of the Karnataka Rent Control Act contending that the respdt./landlord without just and sufficient cause has disconnected the sanitary connection thereby depriving the amenity which the premises had at the time of entering into the tenancy.

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This application was being enquired into by the learned Judge and during the enquiry, tenant made an application seeking for issuance of summons to the BWSSB Engineer to state whether sewerage line has been drawn by the BWSSB to the schedule premises. Learned Judge has rejected the application.

Aggrieved by the same, tenant has preferred this revision petition.

It is the right of the party to examine such witnesses as he chooses in defence of the case unless there is sufficient ground to reject, normally such application have to be allowed more so where the dispute between the parties pertains to the fact whether there is a sanitary connection from the BWSSB to the schedule property or not, the evidence of the engineer may have relevance. Learned Judge was not right in rejecting the application.

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The order of the learned Judge passed
on I.A.V is set-aside.

Consequently I.A.V. filed by tenant
before Court below is allowed.

H.R.R.P. disposed off.

Sd/-

JUDGE

T. BY: BY

C. BY: *KS*

R. BY: *AB*



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Assistant Registrar
High Court of Karnataka
Bangalore-560 001

21/6/98